

November 7, 2002, the Examiner rejected all 41 claims under 35 U.S.C. §102.

Reexamination, reconsideration and allowance of Claims 1 - 41 is respectfully requested.

Entry of the amendments is also requested. No new matter is added. Claims 11 and 28 have been amended to clarify that the virtual seller of Applicant's invention includes a database storing product information concerning the goods or services of the primary seller, in order to facilitate the sale of goods of the primary seller. Claim 21 has been amended to clarify that the transaction data concerns the purchase of goods or services, rather than some other type of transaction information. Finally, Claim 37 clarifies that the network system of Applicant's invention selects a seller from a plurality of sellers using a host processor, as opposed to some other type of construction. These amendments are made for clarification purposes and support for the amendments can be found throughout Applicant's specification.

REJECTION UNDER 35 U.S.C. §102

In the Office Action of November 7, 2002, the Examiner rejected Claims 1 - 41 as being anticipated by *Wolfe et al.* (U.S. Patent No. 6,282,517) assigned to autobytel.com. For simplicity, this reference is referred to herein as the "*autobytel*" reference.

Wolfe et al.

The *autobytel* reference describes a typical e-commerce communications network, as described on page 5 of Applicant's specification. In particular, the *autobytel* system enables a plurality of companies, such as individual automobile dealers, to advertise their products (example cars) at one website. To this end, a seller transmits inventory information, such as vehicle models and characteristics, to the central network. Buyers are able to access this inventory online by contacting the central network, such as by contacting the *autobytel.com* website. If a buyer sees a product to their liking, they place a "purchase request" which is transmitted to the central network. This purchase request is then forwarded to the individual seller for consideration.

Unfortunately, the *autobytel* system does not provide "real time" communication between the buyer and seller. Instead, sellers provide their inventory information to a network for storage. Thereafter, days or even weeks later, a buyer accesses this stored information and places a purchase request to the central network if a product is to their liking. This purchase request is then "referred" to a seller requiring that the buyer await contact from a dealer such as through a separate telephone call which takes place one or two days later. This slow, lack of "real time" communication is perhaps best described in columns 2 and 3 of the *autobytel* patent. The "Data Center", also referred to as a network, compiles a virtual exclusive database of the seller's inventory records. At a later date, this inventory is reviewed by a buyer, and if a product is to their liking, the buyer makes a

purchase request which is stored at the Data Center. As described in column 3, lines 14 - 24, this purchase request may be communicated in real time to a seller.

Unfortunately, this is the only “real time” communication provided by this system, as the system does not provide any two-way communication between a buyer and seller. Instead, a seller posts his inventory on a host website, which is later accessed by a buyer. A buyer can then make an offer to purchase (purchase request) the seller’s goods, and this purchase request is forwarded by the host computer. Again, at a later time, the seller may accept the offer presented in the purchase request. However, there is no suggestion or capability for real time two-way communication between the buyer and seller, such as to enable the parties to negotiate or make changes to the goods.

Furthermore, the *autobytel* reference does not describe any speech capabilities for allowing a buyer and seller to verbally speak to one another. Still an additional disadvantage of the *autobytel* system is that it does not provide any type of “virtual seller”, which takes the place of a primary seller, to sell that primary seller’s goods, if the primary seller is not available.

Applicant’s Interactive System for Negotiating
the Purchase and Sale of Goods or Services

Applicant’s invention overcomes the disadvantages of the *autobytel* system. Applicant’s claimed invention is an interconnected computer network including a host

processor which connects buyers and sellers through remote computer terminals. The inventory of respective sellers is recorded in each seller's computer terminal with the inventory data being transmitted continuously or periodically to the host processor's system to create a database of inventory of all goods or services offered by sellers connected to the network system. A buyer connecting to the processor transmits transaction related information such as an identification of goods sought, to enable the host processor to automatically match potential buyers with potential sellers.

Of importance, Applicant's claimed invention does not simply transmit a purchase request from the buyer to the seller. Instead, Applicant's invention preferably provides a "real time" two-way data connection between the buyer and seller. The data connection provides for immediate written messaging between the buyer and seller, and also enables the buyer and seller to access data stored on the counterpart's computer or stored on the host processor's database.

The invention also provides a "real time" speech connection, as well as the data connection, for enabling buyers and sellers to speak with one another in real time to negotiate and complete the sale of goods or services.

In still an additional preferred embodiment of the invention, Applicant's interconnected computer network system includes both "primary" sellers and "virtual" sellers of goods or services. To this end, Applicant has amended Claims 11 - 20, and 21 -

36 to be clarified to reflect that the virtual sellers include a database of the goods or services of the primary seller. This amendment has been made to clarify that the virtual sellers are not merely ordinary sellers of goods or services, but instead provide a separate platform for selling the goods or services of the primary seller when the primary seller is incapable of completing sales transactions, such as when the primary seller personnel have gone home for the day. This separate platform of virtual sellers is nowhere suggested in the prior art.

Each of the Claims Include Limitations Not
Taught or Suggested in the *autobytel* Reference

Applicant's claimed invention includes significant features which are not disclosed or suggested in the *autobytel* reference, either alone or in combination with other references.

For example, Claims 1 - 10 and 21 - 27 include the limitations that a communication connection is provided for connecting a buyer with a seller with the communication connection permitting real time speech communication between buyers and sellers for facilitating real time spoken negotiations for the purchase and sale of goods or services over the network system. Conversely, *autobytel* provides no disclosure whatsoever, or even the mere suggestion, that buyers and sellers are capable of real time speech communications with one another. To the contrary, the *autobytel* system is a computerized network which is intended to reduce or eliminate the need for human interaction, and thus the inclusion of a speech connection is totally contrary to its teachings.

Meanwhile, Claims 11 - 20 and 28 - 36 each include the limitation that the network system include both “primary” sellers and “virtual” sellers. As clarified by the amendments, the virtual sellers include a database storing the product information of the primary seller for completing transactions when the primary seller is otherwise unavailable. In addition, the host processor includes a processing means for selectively connecting a buyer to either a primary seller or a virtual seller based upon predetermined criteria. Conversely, the *autobytel* system does not provide any sort of suggestion that the seller’s goods can be sold by anybody but the actual seller of the goods.

Finally, Claims 37 - 41 are directed to a host processing system which connects a plurality of sellers with buyers. After a host processor selects one of the sellers based upon the buyer’s identification of sought after goods or services, a two-way real time communication connection is provided between the buyer and selected seller through the host processing system. Again, the *autobytel* reference does not provide any disclosure or suggestion that a two-way real time communication connection is established between the buyer and seller.

Accordingly, all of the claims include limitations that are nowhere disclosed or suggested in the *autobytel* reference cited by the Examiner, nor are these features suggested in the additional prior art of record.

CONCLUSION

It is respectfully requested that Claims 1 - 41 be allowed. It is believed that the claims in this case are in condition for allowance and early notice thereof is respectfully solicited. If there are any remaining issues that need to be resolved, it is respectfully requested that a telephone call be placed to the undersigned.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "David G. Duckworth", written in a cursive style.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Serial No: 09/609,231

AMENDMENT OF THE CLAIMS

Please amend Claims 11, 21, 28 and 37 as follows:

11. A network system for facilitating the negotiation and purchase of goods or services for buyers and sellers, the system comprising:

a host processor system;

at least one buyer computer terminal including a display, operated by buyer of goods or services;

at least one primary seller computer terminal including a display, operated by a primary seller of goods or services;

a virtual seller computer terminal including a display, operated by a virtual seller of goods or services, said virtual seller including a database storing product information concerning the goods or services of the primary seller;

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a first communication connection for selectively connecting said buyer computer terminal to said primary seller computer terminal or said virtual computer seller through said host processor system, said first communication connection for transmitting transaction data concerning the purchase of goods or services of said primary seller, input by a buyer into said buyer computer terminal, in real time to said seller computer terminal or to said virtual seller computer terminal for display to said seller and for transmitting transaction data, input by a seller into said seller computer terminal or said virtual seller computer terminal, in real time to said buyer computer terminal for display to the buyer; and

said host processor system including processing means for selectively connecting a buyer computer terminal to either a primary seller computer terminal or a virtual seller computer based upon predetermined criteria.

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Serial No: 09/609,231

21. A method of facilitating the negotiation and purchase of goods or services for buyers and sellers comprising the steps of:

providing a host processor system interconnected with a plurality of sellers and buyers of goods or services;

transmitting buyer identification information by a buyer of goods or services to the host processor system;

selecting one of the plurality of sellers based upon the buyer identification information by the buyer;

providing a data connection between the buyer and the selected seller for transmitting transaction data from the buyer in real time for visual display of the purchase data to the seller and for transmitting transaction data concerning the purchase of goods or services of said primary seller from the seller in real time for visual display of the purchase data to the buyer; and

providing a speech connection between the buyer and the selected seller for permitting real time speech communication between the buyer and the selected seller for facilitating the real time spoken negotiations for the purchase and sale of goods or services.

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Serial No: 09/609,231

28. A method of facilitating the negotiation and purchase of goods or services for buyers and sellers comprising the steps of:

providing a host processor system interconnected with at least one primary seller of goods or services, at least one virtual seller including a database storing product information concerning the goods or services of the primary seller; and a plurality of buyers of goods or services;

transmitting buyer identification information by a buyer to the host processor system;

selecting the virtual seller or a primary seller by the host processor system based upon predetermined criteria;

providing a data connection between the buyer and the selected primary seller or virtual seller for transmitting transaction data from the buyer in real time for visual display of the purchase data to the seller and for transmitting transaction data from the seller in real time for visual display of the purchase data to the buyer.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Serial No: 09/609,231

37. A method of facilitating the negotiation and purchase of goods or services for buyers and sellers comprising the steps of:

providing a host processor system interconnected with a plurality of sellers of goods or services;

providing at least one buyer of goods or services corresponding to buyer identification information;

transmitting buyer identification information from the buyer of goods or services to the host processor system;

selecting one of the plurality of sellers by the host processor based upon the buyer identification information; and

providing a two-way real time communication connection between the buyer and the selected seller through the host processor system.